

**FILED**  
**5/16/2023**

THOMAS G. BRITTON  
CLERK, U.S. DISTRICT COURT

AUSA Jonathan L. Shih (312) 353-5361

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

KEVIN CRUZ

CASE NUMBER: 1:23-cr-00305

UNDER SEAL

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. From on or about August 12, 2021 to on or about May 16, 2023, at Villa Park and Oak Park, in the Northern District of Illinois, Eastern Division, and elsewhere, the defendant(s) violated:

*Code Section*

Title 18, United States Code, Section  
2261A

*Offense Description*

With the intent to harass or intimidate another person, used an interactive computer service or electronic communications service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce, to engage in a course of conduct that (A) placed that person in reasonable fear of serious bodily injury; or (B) caused, attempted to cause, or would be reasonably expected to cause substantial emotional distress to that person

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

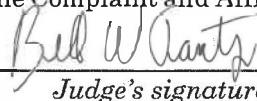


NICHOLAS J. MURPHY

Special Agent, Federal Bureau of Investigation  
(FBI)

Pursuant to Fed. R. Crim. P. 4.1, this Complaint is presented by reliable electronic means. The above-named agent provided a sworn statement attesting to the truth of the Complaint and Affidavit by telephone.

Date: May 16, 2023

  
*Judge's signature*

City and state: Chicago, Illinois

BETH W. JANTZ, U.S. Magistrate Judge

*Printed name and title*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

**AFFIDAVIT**

I, NICHOLAS J. MURPHY, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been so employed since approximately 2016. My current responsibilities include the investigation of cybercrimes and computer fraud.

2. This affidavit is submitted in support of a criminal complaint alleging that Kevin CRUZ ("CRUZ") has violated Title 18, United States Code, Section 2261A. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging CRUZ with cyberstalking, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint.

3. This affidavit is based on my personal knowledge, and on information I have received from other law enforcement personnel and from persons with knowledge regarding relevant facts.

*Introduction*

4. In August 2021, an individual I refer to herein as Victim-1 met Kevin CRUZ ("CRUZ") on Grindr, an online dating application for men. Victim-1 and CRUZ resided in Oak Park, Illinois, at the time. Initially, Victim-1 and CRUZ contacted each other on Grindr seeking to potentially initiate an intimate relationship. CRUZ

expressed to Victim-1 that he wished to pursue a deeper romantic relationship, although Victim-1 was not interested.

5. Over the next few months, CRUZ engaged in a campaign of harassment targeted at Victim-1 and Victim-1's family and friends. For example, CRUZ sent thousands of text messages, primarily utilizing "spoofed" telephone numbers, to Victim-1. On several occasions CRUZ sent nude photographs of Victim-1, which Victim-1 had previously provided to CRUZ at the outset of their relationship, to members of Victim-1's family and to Victim-1's acquaintances.

6. Additionally, CRUZ created numerous profiles on various dating websites, including Grindr, Double List, Scruff, and Sniffies, purporting to be Victim-1. Those profiles generally included photographs of Victim-1, including near-nude photographs of Victim-1. CRUZ, falsely pretending to be Victim-1, communicated with various users on those dating websites to arrange purported meetings at Victim-1's house for sex or sexual favors. Between December 2021 and February 2023, hundreds of men showed up at Victim-1's residence seeking in response to the impersonating profiles, including in some instances, multiple men on particular days. As a result, Victim-1 and his family suffered significant emotional distress.

7. On July 13, 2022, the Circuit Court of Cook County, Illinois, issued a "Stalking No Contact Order," under case number 2022OP40018, which prohibited CRUZ from, among other things, "stalking" Victim-1, including "acts in which [CRUZ] directly or indirectly, by any action, method, device or means follow, monitor observe, surveil, threaten or engage in other contact, or interfere with or damage a person's

property or pet.” The order also prohibited CRUZ from having any contact with Victim-1, from coming within 1,000 feet of Victim-1’s residence, and publishing, sharing, disseminating, or distributing any photographs of Victim-1 by any means. The order is active until July 10, 2024. Despite the issuance of the order, CRUZ continued to harass Victim-1.

8. Recently, after, as described below, Victim-1 conducted an undercover meeting with CRUZ, CRUZ continued to harass Victim-1 directly, including sending text messages, sending flowers and food items to Victim-1’s residence.

*Information Provided by Victim-1*

9. I have personally interviewed Victim-1 on several occasions, and have reviewed reports of prior interviews of Victim-1 conducted by members of a local police department in the Western Suburbs of Chicago. Initially, Victim-1 resided in Oak Park, Illinois, but more recently has moved to another suburb to live with relatives. Victim-1 does not have a criminal history, and information provided by Victim-1 is corroborated by independent sources, as described below. Victim-1 identified CRUZ based on a picture taken off CRUZ’s personal blog. Below I summarize some of the information provided by Victim-1.

10. On August 12, 2021, Victim-1 and CRUZ met on Grindr. Victim-1 shared nude photographs of himself via Grindr with CRUZ with the initial intention of pursuing an intimate relationship. After the two began talking, CRUZ expressed interest in personal training sessions with Victim-1 and they exchanged phone numbers. Victim-1 began providing personal training sessions to CRUZ three times

a week in Oak Park from August 2021 through December 2021. In exchange for the sessions, CRUZ paid Victim-1 via Cash App, an electronic payment application. As the sessions continued, CRUZ began to show a deeper romantic interest in Victim-1. Victim-1 told CRUZ that he was not interested in pursuing anything romantic. CRUZ was dismayed by Victim-1's lack of interest in a more intimate relationship.

11. On or about December 19, 2021, Victim-1 found a Grindr profile purporting to be Victim-1 soliciting sex. The impersonating profile included near-naked photographs Victim-1 shared with CRUZ during the summer of 2021. On December 27, 2021, Victim-1 terminated communication with CRUZ, and stopped responding to his text messages. CRUZ then began sending threatening text messages to Victim-1, primarily utilizing "spoofed" telephone numbers. I have reviewed copies of these text messages, which corroborate information provided by Victim-1. I believe, as described in more detail below, that although the text messages were sent utilizing "spoofed" telephone numbers, CRUZ sent these text messages to Victim-1.

12. Over the phone a short time later, CRUZ admitted to Victim-1 that he created the impersonating profile. Victim-1 then refused to communicate with CRUZ, but CRUZ continued to try to contact Victim-1 to apologize and stated that he would take the profile down if Victim-1 agreed to speak with him. When Victim-1 refused, CRUZ retaliated by creating more impersonating profiles soliciting sex on Scruff,

Double List, and Sniffies,<sup>1</sup> in addition to the Grindr profile. Some of the impersonating profiles messaged individuals Victim-1's full name and home address. As a result, from December 2021, to April 2021, hundreds of men showed up unannounced at Victim-1's Oak Park apartment, looking for sex or sexual favors in response to the impersonating profiles.

13. In some instances, Victim-1 would speak to these individuals, who would tell Victim-1, in general, that they thought they were speaking to Victim-1 on the dating apps. These individuals stated they were told on the dating app to show up at Victim-1's residence and enter without knocking and if Victim-1 told them to stop, it was part of role playing and to continue to try to have sex with Victim-1. Additionally, at times these individuals would provide information regarding the impersonating profiles, including the user names and dating application service utilized.

14. As a result, Victim-1 later moved out of his Oak Park apartment and moved in with Victim-1's parents in a suburb of Chicago. From April 2021 to February 2023 hundreds of men showed up unannounced seeking sex and sexual favors in response to the impersonating profiles at Victim-1's parent's residence. Between this time, there were days when multiple men would show up at Victim-1's parents' address. Some of these men were advised by the impersonating profiles to try to enter the residence unannounced and that when Victim-1 confronted them, it was all a part of role playing. As a result, the local police department parked a

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<sup>1</sup> These are all social networking sites for men seeking other men for romantic and/or sexual activity.

marked patrol vehicle on the street near Victim-1's house to stop men from going to Victim-1's house.

15. Victim-1 was able to capture screenshots of some of the impersonating profiles, including profiles created on Sniffies, and has provided copies of those to me. I have reviewed those copies, which corroborates information provided by Victim-1.

16. Victim-1 reported that he experienced substantial emotional distress as a result of the numerous men traveling to his house seeking sexual favors as well as the numerous text messages sent by CRUZ to Victim-1. Victim-1 also reported that CRUZ's conduct placed him in fear of serious bodily injury, including fear of violence and sexual assault from individuals instructed to go to Victim-1's residence and have sex with him even if he resisted.

17. Additionally, from March 2022 to present, family members of Victim-1 were sent nude photos of Victim-1. These photos were the same ones that were sent to CRUZ by the Victim when they first met on a dating app. Victim-1's mother received nude photos in March 2022. Victim-1's two brothers received nude photos of the Victim in April 2022. In November 2022, the nude photos were sent to approximately 10 people via Instagram. The individuals who received these photos were cousins, aunts and the boss of Victim-1. I have reviewed copies of these messages, which corroborated information provided by Victim-1. For instance, on or about March 12, 2022, Victim-1's mother received a text message attaching a nude photograph of Victim-1 from a "spoofed" telephone number. A different telephone number sent the same photograph two times to Victim-1's mother on March 13, 2022.

On March 14, 2022, Victim-1's mother received a text message identifying the sender as "KC," which are the initials for CRUZ, and stating in sum and substance that he was trying to make things right with Victim-1.<sup>2</sup> On April 21, 2022, Victim-1's mother received a text message with a screen shot of an individual performing oral sex with a message stating in sum and substance that this is your son's first OnlyFans<sup>3</sup> video. Victim-1's mother also received a text message stating that the sender would be posting and sending additional videos. Additionally, Victim-1's mother received a text message attaching a mugshot of an individual with a message stating, "Gonna b worse from here ;)," and stating, "sending now." I believe, based on my training and experience, that the sender was telling Victim-1's mother that he would be sending a felon to her residence.

18. In April 2022, Victim-1's mother received a text message from a "spoofed" telephone number stating, "holy fuck [Victim-1] rly killed him. Just posted on blog hanging himself and taking meds. [Victim-1] rly did it. U got what u wanted. U killed tat f[\*\*] 5 police cars and ambulance to take his body." I believe, based on

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<sup>2</sup> All quotations set forth in this affidavit are in draft form. At various points in this affidavit, I will offer my understanding and interpretation of certain statements, including text messages and recorded conversations, in bracketed comments. My understanding and/or interpretation of these conversations is based upon the contents of the conversations, the context of both prior and subsequent conversations, information received from Victim-1 and other law enforcement officials, my knowledge derived from this investigation, and my experience and familiarity with cyberstalking investigations. Except as noted, the summaries of conversations contained in this affidavit represent a review of the text messages and audio/video recordings and do not represent finalized transcripts of the conversations and may not represent the entire conversation that occurred between the identified individuals.

<sup>3</sup> OnlyFans is a social media website and application that hosts content from creators, including individuals who produce pornography.



my training and experience, that the sender of this message was falsely telling Victim-1's mother that Victim-1 had committed suicide.

*Information Provided by Sniffies*

19. In response to a Grand Jury subpoena, Sniffies LLC, which operates a dating website and application, identified 42 user accounts that appeared to be fake profiles impersonating Victim-1. Sniffies provided registration and other subscriber information regarding the accounts, including email addresses, IP addresses, account creation timestamps, and location information. Of those, 28 of the accounts included photographs of Victim-1, including 9 of the accounts with actual nude photographs of Victim-1. Other accounts included photographs of male genitalia purporting to be nude photographs of Victim-1.

20. Additionally, of the accounts, 17 had payment methods in the name of Kevin CRUZ. The 42 accounts were also created by various Google, Yahoo and Microsoft Outlook email addresses. Seven of the Google email addresses were linked to CRUZ's Google Pay account. Four of the Yahoo email addresses used to create some of the Sniffies accounts were verified utilizing telephone number (708) 490-6967, which is a T-Mobile cellphone number registered to CRUZ at an address in Schaumburg where CRUZ lived between 2016 and 2020.

*Records Provided by Rush University Medical Center*

21. On April 15, 2022, Rush University Medical Center's ("Rush") Office of Institutional Equity initiated an investigation into allegations that CRUZ, a registered nurse in general medicine, violated Rush's prohibition against

discrimination, harassment, and sexual misconduct. At that time, Victim-1 also worked at Rush. During the investigation, which was conducted independently by Rush and was not directed by law enforcement, CRUZ admitted to employees at Rush that he created an impersonating online social media profiles of Victim-1, which included photographs of Victim-1 and Victim-1's address, and that he continued to contact and reach out to Victim-1 despite being told to stop. As a result of the investigation, CRUZ's employment at Rush was terminated on April 22, 2022.

22. The Rush investigation was completed by Victim-2, an employee of Rush. After the completion of the investigation, Victim-2 received multiple unwanted, repeated, and concerning electronic messages from CRUZ. In these multiple contacts, CRUZ made reference to being a danger to himself and possibly others.

23. Moreover, on April 22, 2022, CRUZ made rapid and successive contacts to Victim-3, another Rush employee, at least 7 times, and then also repeatedly attempted to contact other members of Victim-3's unit in an effort to reach Victim-3. These repeated contacts were made while the staff was treating patients. Victim-3 also received concerns from unit employees that have been contacted multiple times by CRUZ to voice his displeasure with his termination, vowing to fight in the wake of his termination, and seeking his former co-workers support in attempting to regain his employment. Rush employees were concerned that a failure to support CRUZ would result in similar harassment as exhibited toward Victim-1. Because of this

behavior, Rush and Victim-2 filed a workplace protection emergency restraining order pursuant to 820 ILCS 275 against CRUZ.

*Records from Bank of America*

24. I have reviewed records from Bank of America for an account ending in 7737. The sole signatory on the account is CRUZ, and the address provided for the account is CRUZ's residence. Transaction history for the account revealed that between April 2022 and October 2022, CRUZ made approximately 110 purchases at Sniffies most for approximately \$6.99. I know, based on publicly available information as well as information provided by Sniffies, that Sniffies users can pay a fee to upgrade their accounts to "Sniffies Plus," which adds certain features including the ability to upload multiple profile photographs. In approximately 2022, the cost for Sniffies Plus was \$6.99 for a one-week trial. The timeframe for these charges was consistent with impersonating Sniffies accounts described above.

25. Additionally, the records show numerous purchases labeled "Spoofcard" between May 2022 and April 2023. Publicly available information from Spoofcard.com ("Spoofcard"), located at <https://www.spoofcard.com>, reveals that Spoofcard operates an application that gives users the ability to use a virtual telephone number to place outgoing telephone calls or to send text messages. The Spoofcard application is available both on the Apple App Store and the Google Play application store. The timeframe of these charges is consistent with instances where Victim-1 or members of his family received text messages from "spoofed" telephone numbers.

*Consensual Recording between Victim 1 and Subject*

26. In late April 2023, in consultation with the FBI, Victim-1 contacted CRUZ to arrange for an in-person meeting, which was set for May 5, 2023. Prior to the meeting, CRUZ sent several text messages to Victim-1, including a text message sent on April 30, 2023 reading, “This is my real number [Victim-1]. I do have my other temp phone too. Please let me know. Planning on Friday. But want confirmation.”

27. On May 5, 2023, Victim-1 conducted a consensual meeting between Victim-1 and CRUZ at a Starbucks Coffee located in Villa Park, Illinois. Members of FBI conducted surveillance of the meeting, and Victim-1 was provided with audio/video recording equipment. I monitored a contemporaneous audio feed of the meeting as it occurred, and I have also reviewed the audio/video recording of the meeting.

28. On that day, members of FBI observed Victim-1 park Victim-1’s vehicle at the Starbucks. Victim-1 walked into the Starbucks. Subsequently, members of FBI observed CRUZ arrive at the Starbucks and walk inside. Below, I summarize the pertinent portions of CRUZ and Victim-1’s conversation. An exact transcript of the conversation has not been prepared, and the below quotations are summaries of the conversations only.

29. During the conversation, Victim-1 asked, “Do you realize like all the things you’ve done?” CRUZ replied, “I do know what’s happened.” Later, Victim-1 said, “Like, you used my pictures against me. My nude photos against me.” CRUZ

stated, "I don't really know why I did that." Later, Victim-1 said, "Like, first it started with my pictures, then you started to get my phone number out. Right?" CRUZ said, "Yeah." Victim-1 stated, "I mean, there's a lot of things like I have a lot of things that I have to process still like." CRUZ said, "If I could take it back I would." Victim-1 said, "I don't believe that."

30. Later in the conversation, Victim-1 said, "Admit that it's you like abusing my family . . . like all the messages from fake numbers to my family and to me. Like, it's hundreds in a day. . . ." CRUZ replied, "It was all me . . . Is that what you want to hear?" Later, Victim-1 asked, "I mean, how do you not think I'm going to like contact the police when there are people showing up to my house and asking for me to have sex with me . . . and not just one person, but how many people? How many people did you have conversations pretending to be me?" CRUZ stated, "I don't know." Victim-1 said, "Take a guess. I'd like to know." CRUZ said, "I don't know. A lot."

31. Later in the conversation, Victim-1 said, "I'm talking about messages that I got that I'm going to send ex-convicts to your house." CRUZ replied, "That's just, uh, I just said that to get a reaction out of you. I feel like since I'm not---." Victim-1 interjected, "That's very threatening. Like you were threatening me." CRUZ said, "Be a reaction for you to contact me." Subsequently, Victim-1 said, "Well you said you wanted to apologize to my mom. So what do you want to apologize to her for?" CRUZ said, "For [UI] to your house." Victim-1 said, "Well there's other

things you did like saying that she's going to be raped. Sending her my nude photo." CRUZ said, "I want to apologize to your family, if you'll let me."

32. Toward the end of the conversation, Victim-1 and CRUZ walked out of Starbucks and toward Victim-1's vehicle. Victim-1 asked, "Ok, one last question is who wrote who wrote 'ho' on my car right here? Who wrote this on my car?" CRUZ said, "I wrote that." Victim-1 asked, "You keyed my car?" CRUZ said, "Yes." Victim-1 then asked CRUZ to "get away from me" several times, but CRUZ attempted to block Victim-1 from getting into Victim-1's vehicle. Ultimately, agents contacted local law enforcement, who made contact with Victim-1 and CRUZ. Once CRUZ saw law enforcement, he left Victim-1 and went to his vehicle. When law enforcement approached CRUZ to ask what was going on, CRUZ would not provide his name or any additional information.

*Recent Harassment by CRUZ*

33. Victim-1 reported that after the above-described meeting with CRUZ, CRUZ sent numerous of text messages to Victim-1 utilizing "spoofed" telephone numbers. Additionally, CRUZ has caused flowers and food items to be sent to Victim-1's residence.

34. On May 11, 2023, Victim-1 reported that after leaving a gym, Victim-1 found a handwritten note left on the windshield of his vehicle. The note asked Victim-1 to "please talk to him," which Victim-1 understood to refer to CRUZ. Additionally, the note referenced the meeting on "Friday," which was the meeting between CRUZ

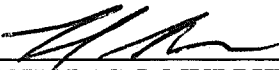
and Victim-1 on May 5, 2023. Additionally, the note indicated that “He’s sending gifts and more.”

35. On May 12, 2023, Victim-1 received an email from a florist named Teleflora in connection with a delivery of flowers sent to Victim-1’s residence. The email stated, “Anonymous sent a special message just for you,” and contained a link to a video file. The video message from Teleflora’s website was entitled, “A special message for [Victim-1] from K.” The video appears to have been shot utilizing the webcam function of a laptop computer, and depicts CRUZ laying in bed. CRUZ’s face is visible in the video. During the video, CRUZ stated that he wanted to “right his wrongs I did with you, what I did.” Later, CRUZ said, “I can’t give up on trying to fix this until I know that you’re ok.” At the end of the video, CRUZ said, “I fucked up.”

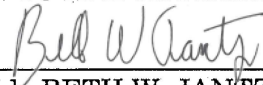
36. Additionally, On May 14, 2023, CRUZ sent a text message to Victim-1 reading, “I did drive by your house earlier [Victim-1] to check in the gifts and arrangements. Saw you grab the edible arrangements. You were in backyard. [Victim-1] I want to fix this tell me how.”

37. On May 16, 2023, members of the a local suburban police department observed CRUZ outside a gym where Victim-1 provides personal training services. Officers observed CRUZ walk toward Victim-1's vehicle and place a note on the windshield before driving back to CRUZ's residence.

FURTHER AFFIANT SAYETH NOT.

  
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NICHOLAS J. MURPHY  
Special Agent, Federal Bureau of  
Investigation

SWORN TO AND AFFIRMED by telephone May 16, 2023.

  
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Honorable BETH W. JANTZ  
United States Magistrate Judge